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Legal representation
Los Angeles County

# ANNUAL REPORT

OF

PUBLIC DEFENDER OF LOS ANGELES COUNTY

July 1, 1939 to July 1, 1940

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FREDERIC H. VERCOE,
Public Defender

# A N N U A L  R E P O R T

# O F

# PUBLIC DEFENDER OF LOS ANGELES COUNTY

## July 1, 1939, to July 1, 1940.

## JURISDICTION OF PUBLIC DEFENDER

The right of a person accused of a criminal offense, in the Superior Court, to be represented by counsel is guaranteed by the Constitution of the United States, by the Constitution of the State of California, and by the Penal Code of this state.

Section 987 of the Penal Code of the State of California provides as follows:

> "If the defendant appears for arraignment without counsel, he must be informed by the court that it is his right to have counsel before being arraigned, and must be asked if he desires the aid of counsel. If he desires and is unable to employ counsel, the court must assign counsel to defend him."

## COUNTY CHARTER

Under the County Charter, in criminal cases, it is the duty of the Public Defender, either upon request of the defendant, or upon order of the court, to defend all persons who are not financially able to employ counsel and who are charged, in the Superior Court, with the commission of a felony or other offense. It is also his duty to prosecute

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### FUNDAMENTALS OF PUBLIC DEFENSE

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all appeals to a higher court or courts, of any person who has been convicted upon any such charge, where, in his opinion, such appeal will, or might reasonably be expected to, result in a reversal or modification of the judgment of conviction.

In civil matters it is his duty, under the law, to handle cases and prosecute actions for the collection of wages and of other claims of persons who are not financially able to employ counsel, in which the sum involved does not exceed $100.00, and in which, in his judgment, the claims urged are valid and enforceable in the courts.

It is also his duty to defend persons who are not financially able to employ counsel in civil litigation in which, in his judgment, they are being persecuted or unjustly harassed.

## ADVANTAGE OF PUBLIC DEFENDER FROM ECONOMIC STANDPOINT.

The Public Defender saves the County of Los Angeles at least five times the cost of operating the office during a year by the manner in which the defense of persons accused of crime is conducted. Unnecessary loss of time is eliminated without sacrificing the interests of the accused. Pleas of guilty are encouraged where the defendant is obviously guilty. Unnecessary and costly trials are avoided whenever

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it is possible to do so. The time consumed in the trial of cases is shortened by eliminating dilatory and procrastinating tactics sometimes resorted to.

The Public Defender during this fiscal year tried 348 cases in the Superior Court. 104 of said trials were conducted with a jury while 244 were tried to court without juries. A tremendous amount of time, as well as the expense of a jury in each of said cases, was saved by this practice.

The Public Defender also during this fiscal year handled 143 preliminary examinations in the Superior Court, in contributing cases. In 77 of said cases the preliminary examination was waived and the defendant was held to answer without it being necessary for the prosecution to prove its case by the introduction of evidence and examination of witnesses. This saved a considerable amount of the time of the court. The rights of the defendant were fully protected although this procedure was resorted to. No good purpose would have been served and nothing would have been gained by the defendant by insisting on the trial of the preliminary in said cases.

During the fiscal year 1939-40 the Public Defender handled 2,659 criminal cases in the Superior Court. The Public Defender represented the defendant in 52 per cent of all criminal cases filed in the Superior Court. In these cases 934 defendants entered pleas of guilty when first arraigned in court and without the case being set for trial.

it is possible to do so. The time consumed in the trial of cases is shortened by eliminating dilatory and procrastinating tactics sometimes resorted to.

The Public Defender during this fiscal year tried 348 cases in the Superior Court. 10% of said trials were conducted with a jury while 84% were tried to court without juries. A tremendous amount of time, as well as the expense of a jury in each of said cases, was saved by this practice.

The Public Defender also during this fiscal year handled 145 preliminary examinations in the Superior Court, in contributing cases. In 77 of said cases the preliminary examination was waived and the defendant was held to answer without it being necessary for the prosecution to prove its case by the introduction of evidence and examination of witnesses. This saved a considerable amount of the time of the court. The rights of the defendant were fully protected although this procedure was resorted to. No good purpose would have been served and nothing would have been gained by the defendant by insisting on the trial of the preliminary in said cases.

During the fiscal year 1939-40 the Public Defender handled 2,639 criminal cases in the Superior Court. The Public Defender represented the defendant in 38 per cent of all criminal cases filed in the Superior Court. In these cases 93% defendants entered pleas of guilty when first arraigned in court and without the case being set for trial.

In 1,150 of said cases pleas of not guilty were entered and the cases set for trial, but only 344 trials were actually held. 806 were disposed of without trial. 647 of said trials were disposed of by changing the pleas of defendants from not guilty to guilty. 159 of said cases were dismissed and stricken from the calendar because it would not have been advantageous to try them. In each of said cases the rights of the defendants, under the law, were fully protected and accorded to them.

But for the work of the Public Defender in disposing of said cases without trial, at least 800 more of said cases would have had to be tried in the courts. If said 800 cases had gone to trial it would have required six more Superior Courts assigned to the trial of criminal cases than are now handling said cases, functioning full time, to have tried the same.

In round figures, it costs the County of Los Angeles $50,000 a year to operate a Superior Court that handles criminal cases. With six more criminal courts operating it would have cost the county an additional $300,000.00 to dispose of its criminal cases.

COMMENTS ABOUT PUBLIC DEFENDER'S DEPARTMENT

Judge Charles W. Fricke, who is presiding in Department 43, one of the criminal departments of the Superior Court, in writing about the Public Defender, had this to say:

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"Your method of avoiding useless trials whenever possible by pleas of guilty and in trying cases to the court without juries, results in saving a tremendous amount of the time of the courts. Your department in all of its work very materially assists the courts in disposing of criminal cases.

"As I have repeatedly and publicly declared, the expense of your office is more than saved the county by the manner in which your work is handled."

Mayor Fletcher Bowron, of the City of Los Angeles, when he was a Judge of the Superior Court in this County, wrote the following letter to the Board of Supervisors:

"Board of Supervisors,
501 Hall of Records,
Los Angeles, California.

Gentlemen:

"I am advised that the Public Defender has requested sufficient allowance in the budget for his department for the next fiscal year to permit of the employment of an additional deputy and an investigator. I am taking the liberty to briefly express my views strongly recommending the appropriation.

"For approximately five years I presided over a criminal department and during that time I came in almost daily contact with the Public Defender's office. I know of no department of county government which is more efficiently operated and from which the public received a greater return

ex-cons of your o'lbee it more than saved the county by the manner in which your work is handled."

Victor Fleischer Vernon, of the City of Los Angeles, when he was a Judge of the Superior Court in this County, wrote the following letter to the Board of Supervisors:

"Board of Supervisors,
Hall of Justice,
Los Angeles, California.

Gentlemen:

"I am advised that the Public Defender has requested additional clerks in the budget for his department for the next fiscal year to permit of the employment of an additional deputy and an investigator. I am asking the liberality to briefly express my views whereby recommendation the application.

"The Public Defender's office. I know of no

than from this office. It is well nigh impossible to estimate the actual saving to the taxpayers of this county and the general public benefits derived directly and indirectly from the defense of persons charged with public offenses in the way and manner that such accused felons are represented by the Public Defender and his able deputies.

"For a number of years this office has represented more than half of those entering pleas in the Superior Court. This office does not knowingly present false and perjured testimony, but where convinced that a defendant is innocent the deputies of the Public Defender's office are able to and do present as good a defense as any defendant could wish for, regardless of his financial ability to employ the best criminal lawyers at the local bar. It is the practice of the office to carefully interview each defendant whom the Public Defender has been assigned to represent, and after a study of the transcript of evidence taken at the preliminary hearing if convinced that the defendant is guilty the deputy endeavors to induce him to enter a plea of guilty. In this manner and in this way alone the Superior Court is able to receive a large percentage of pleas of guilty where otherwise the case would develop into a jury trial of several days duration. I believe that it could be conservatively estimated that if the office of the Public Defender should be eliminated and we would be compelled to revert to representation of defendants by individual counsel that fully half

of the departments of the Superior Court would be devoted to the trial of criminal matters. (Half the departments would be 25. Parenthesis interpolated).

"I would like to see the time come when our Constitution would be amended to provide for the representation of all persons charged with a public offense by a Public Defender, where rich and poor alike would receive the same kind of defense by a public officer in much the same manner as we have in the past prosecuted all offenders by one public officer; but until that time comes I feel that the ends of justice in this county require more financial support of the office of the Public Defender at the present time. Hard working deputies are frequently required to be in court all day and make investigations during the evenings in connection with cases they are preparing for trial. The need of investigators by the Public Defender's office has been felt for many years.

"I respectfully recommend that the requested increase in the appropriation for the Public Defender's office be allowed.

"Yours very truly,

(Signed) Fletcher Bowron."

Judge Robert H. Scott of the Superior Court wrote the Board of Supervisors as follows:

"Honorable Board of Supervisors,
Hall of Records,
Los Angeles, California.

"I would like to see a time zone when our prosecution of all persons charged with a public offense by a Municipal Court, where rich and poor alike would receive the same kind of defense by a public officer as must be accorded in the case presented in this county, would be rendered to provide for the prosecution of public officer; but until that time comes I feel it is the duty of Justice in this county to give more liberal support of the office of the Public Defender at the present time. Here recently, counties are frequently required to be in court all day and make investigations during the evenings in connection with cases they are preparing for trial. The need of investigators by the Public Defender's office has been felt for many years.

"I respectfully recommend that the requested increase in the appropriation for the Public Defender's office be allowed.

Judge Calvert H. Knott of the superior Court wrote the Board of Supervisors as follows:

Gentlemen:-

"My personal observation of the fine work done by the public defender convinces me that the additional deputy and investigator requested by Public Defender Frederic M.Vercoe would be of substantial service to the county and would fully justify the additional expenditure.

"It is the policy of that office, as I have observed it, to seek diligently to assure the proper administration of justice and not merely to defeat justice on the basis of legal technicalities. The ability of deputies in the public defender's office should be comparable to those on the staff of the district attorney and the pay should naturally be similar. When you clearly and fully analyze the service rendered by the public defender it will be apparent that his service has been the largest contributing factor in the proper administration of our criminal law. They have succeeded in their efforts over a long period of years to fully safeguard the community and aid in the rehabilitation of the wrongdoer.

"Respectfully yours,

(Signed) Robert H. Scott."

Judge Clarence L. Kincaid was presiding in the Criminal Master Calendar Department where a large part of the criminal cases handled by the Public Defender are assigned to him, when he wrote the following letter.

criminal cases handled by the Public Defender are assigned to him, when he wrote the following letter.

"Honorable Board of Supervisors,
County of Los Angeles
Hall of Records
Los Angeles

Dear Sirs:

"Mr. Frederic H. Vercoe, Public Defender of the County of Los Angeles, has called to my attention the matter of his application to your Honorable Board of permission to appoint one additional deputy public defender and one additional investigator.

"As the Judge in charge of the master calendar of the criminal departments of the Superior Court I am in a position to know the enormous amount of criminal business which is assigned to the Public Defender for handling. It has been a source of wonder to me how Mr. Vercoe with his comparatively small staff has been able to even remotely keep up with the tremendous volume of work thrust upon them by law. I know that they are sadly in need of this additional assistance and that the work of their office is bound to suffer without such relief.

"I hope that you find it possible to seriously consider Mr. Vercoe's request.

"Yours very truly

(signed) Clarence L. Kincaid."

SUMMARY OF ADVANTAGES OF PUBLIC DEFENDER IN CRIMINAL CASES

1. If the defendant has no case, he is honestly

"Mr. Frederic C. Verone, Public Defender of the County of Los Angeles, has called to my attention the matter of his application to your Honorable Board of permission to appoint one additional deputy public defender and one additional investigator.

"As the Grand Jury in charge of the master calendar of the criminal department of the Superior Court I am in a position to know the enormous amount of criminal business which is assigned to the Public Defender for handling. It has been a source of wonder to me how Mr. Verone with his comparatively small staff has been able to even remotely keep up with the tremendous volume of work thrust upon them by law. I know that they are badly in need of this additional assistance and that the work of their office is bound to suffer without such relief.

"I hope that you find it possible to favorably consider Mr. Verone's request.

Yours very truly

advised to plead guilty, thus avoiding unnecessary trials.

2. If the defendant has a good case, he is given an adequate defense - not a perfunctory one - thereby truly safeguarding his interests.

3. Juries are often waived.

4. Cases are promptly tried when reached on the calendar - not continued time after time - thereby helping to solve the problem of congested criminal court calendars.

5. Cases are tried more expertly because of the skill of the defenders; and the time of the court, of the jury, of the witnesses, of the court attaches and others is not wasted by needlessly protracted trials.

6. By virtue of the foregoing, vast economies are effected in the administration of criminal justice.

7. The trial judges tend to rely upon the opinion and statements of the Public Defender in disposing of cases.

8. Chicanery and unethical practices are never resorted to, and the atmosphere of the trial of criminal cases is elevated and thereby respect for the law is enhanced.

9. There are less chances of miscarriage of justice against a poor and perhaps illiterate defendant who might otherwise be sent to prison because of not knowing what it is all about.

## PUBLIC DEFENDER IN CIVIL CASES

The Public Defender's civil jurisdiction is hardly less important than his criminal jurisdiction.

Millions of dollars are spent in the State of California each year in giving indigent persons, the poor, needy, and helpless, medical aid and hospitalization. This aid is rendered by the State so that such persons may be restored to health and again be placed, if possible, in a self-supporting condition.

Likewise, it is the duty of the Public Defender to render legal aid to the poor, needy and helpless in order to straighten out their legal difficulties, secure for them their rights under the law, or redress for their wrongs, so that they may continue to be self-supporting and not become charges of the Public Welfare Department.

APPLICATION FOR ASSISTANCE IN CIVIL CASES

During the fiscal year 1939-40, 23,972 persons applied to the Public Defender for legal assistance in civil cases. 17,097 were advised as to their legal rights and assisted in solving their problems under the law; 1,869 had claims for wages due, property detained, or other miscellaneous claims which were handled and adjusted; 2,109 were refused legal assistance because they had the means to pay an attorney or because their cases were outside the jurisdiction of the office; and 2,897, whose cases were outside the jurisdiction of the Public Defender, were referred to the lawyers on the Public Defender's list of lawyers. Said lawyers handle the cases referred to them by the Public Defender and render legal assistance.

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Likewise, it is the duty of the Public Defender to render legal aid to the poor, needy and helpless in order to straighten out their legal difficulties, secure for them what they may continue to be self-supporting and not become charges of the Public Welfare Department.

ASSISTANCE FOR ADULTS DURING 1939

During the fiscal year 1939-40, 27,972 persons applied to the Public Defender for legal assistance in civil cases. 17,047 were advised as to their legal rights and assisted in solving their problems under the law; 1,869 had claims for wages due, property detained, or other miscellaneous claims which were handled and adjusted; 2,102 were refused legal assistance because they had the means to pay an attorney or because their cases were outside the jurisdiction of the Public Defender, were referred to the Lawyer Reference or the Public Defender's list of lawyers. Such lawyers usually take these cases referred to them by the Public Defende

## TOTAL APPLICATIONS FOR ASSISTANCE

The total number of applications to the Public Defender for assistance in both civil and criminal cases in the fiscal year 1939-40 was 31,506.

The wages of more than 1,244 working men and women that had been garnisheed, and were exempt under the law, which were released from said garnishment by the assi tance of the Public Defender, amounted to $22,255.27. By said aid the Public Defender was able to keep the family of many a poor working man from actually going hungry and from becoming public charges requiring the assistance of the County Welfare Department. The persons aided in the civil department of the Public Defender's office were financially unable to employ a lawyer in private practice.

The Public Defender recovered $34,993.28 for the poor and indigent persons who applied to him for legal as istance in civil cases during the fiscal year 1939-1940.

## THE COST OF PUBLIC DEFENDER'S OFFICE

The cost of maintaining and operating the Public Defender's office during the fiscal year 1939-1940 was $67,438.83.

## DETAILED REPORT OF CRIMINAL CASES

Cases in which appearances were made in court.

| | |
|---|---|
| Total number of court appearances in Superior Court | 7,497 |
| Total number of defendants represented | 2,563 |

Total number of cases disposed of in Superior Court 7,497

Total number of defendants represented 3,865

| | | |
|---|---|---|
| Cases undisposed of July 1, 1939, and finally disposed of during last fiscal year - - - - | 122 | |
| Felony cases, Superior Court - - - - - - - - - | 2,225 | |
| Violation of Probation cases - - - - - - - - - | 141 | |
| Contributing cases in Superior Court, Misdemeanors - - - - - - - - - - - - - - - | 154 | |
| Insanity cases, Superior Court - - - - - - - - | 26 | 2,668 |

CONSULTATIONS

| | | |
|---|---|---|
| Consultations held in office - - - - - - - - | 3,271 | |
| Consultations held in county jail - - - - - | 4,203 | 7,474 |

TRIALS IN CRIMINAL CASES

| | | |
|---|---|---|
| Total number of trials set during year and disposed of - - - - - - - - - - - - - - - - | | 1,150 |
| Trials eliminated by changing pleas of not guilty to guilty - - - - - - - - - - - - - | 647 | |
| Cases disposed of by being dismissed - - - - | 121 | |
| Cases disposed of by being stricken from calendar - - - - - - - - - - - - - - - - | 38 | |
| Cases actually tried - - - - - - - - - - - - | 344 | 1,150 |

RESULTS OF TRIALS

| | | |
|---|---|---|
| Verdicts of guilty - - - - - - - - - - - - - | 163 | |
| Verdicts of guilty less offense - - - - - - - | 11 | |
| Verdicts of not guilty - - - - - - - - - - - | 143 | |
| Jury disagreements - - - - - - - - - - - - - | 7 | |
| Verdicts sane, criminal insanity trials - - | 6 | |
| Verdicts insane, criminal insanity trials - | 14 | 344 |

CIVIL INSANITY TRIALS

| | | |
|---|---|---|
| Verdicts sane - - - - - - - - - - - - - - - - | 4 | |
| Verdicts insane - - - - - - - - - - - - - - - - | 7 | 11 |
| Total number of trials completed - - - - | | 355 |

Cases undisposed of July 1, 1898, and finally
disposed of during last fiscal year - - - - 180

Felony cases, Superior Court - - - - - - - -

Violation of Prohibition cases - - - - - - - 141

Non Plusing cases in Superior Court.

CONCLUSIONS

Sessions held in office - - - - - - - - - -

Jury Cases held in County Jail - - - - - -

Total number of Civil Cases tried during year 81

Disposed of - - - - - - - - - - - - - - -

Cases eliminated by changing place of Trial
during the year - - - - - - - - - - - -

Cases dismissed or by being discharged - - -

Cases otherwise or by mutual stipulation from
docket - - - - - - - - - - - - - - - -

Cases normally tried - - - - - - - - - - -

RESULTS OF TRIALS

Verdicts of guilty - - - - - - - - - - - -

Verdicts of guilty less offense - - - - - -

Verdicts of not guilty - - - - - - - - - -

Verdicts insane, criminal insanity shown -

Verdicts - - - - - - - - - - - - - - - -

Total number of verdicts complete - - - -

## SUPERIOR COURT PRELIMINARY EXAMINATIONS

### CONTRIBUTING CASES

| | | |
|---|---|---|
| Preliminary examinations held | | 66 |
| Preliminary examinations waived | | 77 |
| Defendants held to answer to Superior Court | 120 | |
| Defendants discharged and cases dismissed or stricken off calendar | 23 | 143 |

### MISCELLANEOUS DISPOSITIONS

### PLEAS OF GUILTY

| | | |
|---|---|---|
| Total pleas of guilty to offense charged | 1,430 | |
| Total pleas of guilty of less offense than charged | 151 | 1,581 |

### VIOLATION OF PROBATION CASES

| | | |
|---|---|---|
| Number of cases handled | | 141 |
| Probation modified and continued without further County Jail sentence | 16 | |
| Probation modified and continued with additional County Jail sentence | 71 | |
| Fine imposed on defendant | 2 | |
| Probation revoked and defendant sentenced to (San Quentin, 43, Folsom, 1, Tehachapi,4) | 48 | |
| Violation of probation dismissed | 4 | 141 |

### PROBATION ORDERS

| | | |
|---|---|---|
| Defendants granted probation without jail sentence | 81 | |
| Defendants granted probation with jail sentence | 514 | |
| Defendants denied probation | 439 | 1,034 |

## SENTENCES AND FINES

| | | |
|---|---|---|
| Defendants sentenced to death - - - - - - - - - | 1 | |
| Defendants sentenced to San Quentin - - - - - - | 337 | |
| Defendants sentenced to Folsom - - - - - - - - - | 105 | |
| Defendants sentenced to Tehachapi (Women) - - | 25 | |
| Defendants committed to Preston School (Jone) | 37 | |
| Defendants committed to Ventura (Girls) - - - | 1 | |
| Defendants sentenced to County Jail - - - - - - | 463 | |
| Defendants fined - - - - - - - - - - - - - - - - - | 67 | |

## DEFENDANTS COMMITTED TO STATE HOSPITALS

| | | |
|---|---|---|
| Defendants committed to State Hospitals as insane - - - - - - - - - - - - - - - - - - | 26 | |
| Defendant committed to Pacific Colony - - - - - | 1 | 27 |

## MISCELLANEOUS MATTERS

| | | |
|---|---|---|
| Motions for new trials granted - - - - - - - - | 4 | |
| Motions for new trials denied - - - - - - - - - | 20 | 24 |
| Demurrers sustained - - - - - - - - - - - - - - | 1 | |
| Demurrers overruled - - - - - - - - - - - - - - | 1 | 2 |

## REPORT OF CIVIL CASES

| | |
|---|---|
| Total number of applications in the office for assistance in civil cases - - - - - - - - - | 23,972 |
| Applications in which advice was given on various subjects - - - - - - - - - - - - - - - | 17,097 |
| Applications rejected because applicants were able to pay a fee or because the office was without jurisdiction: | |
| Refused - - - - - - - - - - - - 2,109 | |

| | | | |
|---|---|---|---|
| | (Carried) | 2,109 | |
| | Referred to attorney - - - - - | 2,897 | 5,006 |
| Cases accepted and handled - - - - - - - - - - | | | 1,869 |
| | CASES ACCEPTED AND HANDLED | | |
| Labor Claims - - - - - - - - - - - - - - | | 116 | |
| Detention of/or injury to personal property - - - - - - - - - - - - - - - | | 74 | |
| Illegal attachments and garnishments and other persecution cases - - - - - - | | 1,244 | |
| Miscellaneous accepted cases - - - - - | | 435 | 1,869 |
| Moneys collected and chattels recovered without suit (approx.) - - - - - - - - - - - - - - - - | | | $12,389.29 |
| Amount of wages released from illegal garnishment - - - - - - - - - - - - - - - - | | | 22,255.27 |
| Amount of judgments recovered - - - - | | $770.16 | |
| Amount collected on judgments - - - - - - - - - | | | 235.00 |
| Amount collected on settlements before trial - | | | 113.72 |
| | | | $34,993.28 |
| Suits filed and won - - - - - - - - - - - - | | 6 | |
| Suits filed and lost - - - - - - - - - - - | | 0 | |
| Suits filed and settled before trial - - | | 1 | |
| Suits filed in which office withdrew as attorney - - - - - - - - - - - - - - | | 0 | |
| Suits filed and not disposed of - - - - - | | 0 | 7 |
| Total appearances in court on cases filed and miscellaneous accepted cases - - - | | | 372 |

RESPECTFULLY SUBMITTED,

FREDERIC H. VERCOE

PUBLIC DEFENDER

UNITED STATES

FINANCIAL REPORT OF PUBLIC DEFENDER OF LOS ANGELES COUNTY

July 1, 1939, to July 1, 1940.

MONEYS RECEIVED

Total amount of moneys collected and received for and on behalf of the persons represented by the Public Defender under the law. Said moneys were collected from claimants for costs and from defendants indebted to said persons so represented - - - - - - - - - - - - - - - - - - - - $466.83

No moneys belonging to the County of Los Angeles were dollected.

MONEY EXPENDED

| | | |
|---|---|---|
| Total salaries paid - - - - - - - - - - - - - - - | | $66,378.75 |
| Total Outlay Expenditures, itemized as follows: | | |
| Law Books - - - - - - - - - - - | $143.08 | |
| Furniture & Furnishings - - - - - | 52.75 | 195.83 |
| Total Maintenance & Operation - - - | | 864.25 |
| | | $67,438.83 |

Respectfully submitted,

FREDERIC H. VERCOE

PUBLIC DEFENDER

RECEIVED
OCT 8 1940
CHIEF
ADMINISTRATIVE
OFFICE